

1 JANE DOE,

2 Plaintiff,

3 v.

4 METROPOLITAN LIFE INSURANCE
5 COMPANY,

6 Defendant.

7
8 Case No. 16-cv-02298-MEJ9
10 **ORDER GRANTING PERMISSION TO
11 PROCEED UNDER PSEUDONYM**

12 Re: Dkt. No. 7

13 Plaintiff, who suffers from HIV/AIDS, brings this suit under the Employee Retirement
14 Income Security Act to recover benefits due to her under a long-term disability benefit plan
15 sponsored by her former employer and insured by the Defendant, Metropolitan Life Insurance
16 Company. *See* Compl., Dkt. No. 1. Plaintiff has also filed a motion to proceed under a
17 pseudonym. Mot., Dkt. No. 7.18 Ordinarily, pleadings must identify the parties to a suit. Fed. R. Civ. P. 10(a).
19 Nevertheless, “a party may preserve his or her anonymity in judicial proceedings in special
20 circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and
21 the public’s interest in knowing the party’s identity.” *Does I through XXIII v. Advanced Textile*
22 *Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). In evaluating the need for anonymity, the Court
23 considers (1) the severity of the threatened harm, (2) the reasonableness of the anonymous party’s
24 fears, (3) the anonymous party’s vulnerability to retaliation; and (4) the prejudice to the opposing
25 party and whether proceedings may be structured to avoid that prejudice. *Id.* Additionally, the
26 Court “must decide whether the public’s interest in the case would be best served by requiring that
27 the litigants reveal their identities.” *Id.*28 Here, the matters raised by the Complaint are of a sufficiently sensitive and personal nature
such that the use of a pseudonym is appropriate “to protect a person from harassment, injury,
ridicule or personal embarrassment.” *Id.*; *see also Roe v. City of New York*, 151 F. Supp. 2d 495,
510 (S.D.N.Y. 2001) (finding that “HIV-positive plaintiffs are in a highly sensitive position and

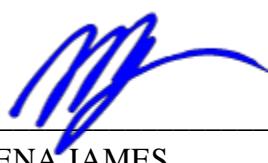
1 therefore should be allowed to proceed anonymously.”); *S.G. v. Mears Transp. Grp., Inc.*, 2014
2 WL 4637139, at *1 (M.D. Fla. Aug. 12, 2014) (granting motion to proceed under a pseudonym
3 because “Plaintiff’s HIV-related privacy interests outweigh the need for disclosure in this case”);
4 *W.G.A. v. Priority Pharmacy, Inc.*, 184 F.R.D. 616, 617 (E.D. Mo. 1999) (allowing use of a
5 pseudonym because the plaintiff’s AIDS is a “personal matter of the utmost intimacy” and could
6 subject the plaintiff to discrimination if publicized); *Roe v. City of Milwaukee*, 37 F. Supp. 2d
7 1127, 1129-30 (E.D. Wis. 1999) (holding that “the plaintiff’s HIV-positive status is a compelling
8 reason for allowing him to proceed under a pseudonym” based on “stigma”); *Patient v. Corbin*, 37
9 F. Supp. 2d 433, 434 (E.D. Va. 1998) (allowing use of a pseudonym because of the “significant
10 stigma” attached to the plaintiff’s HIV-positive status).

11 Further, allowing Plaintiff to proceed pseudonymously will not prejudice the Defendant,
12 her disability insurer, as it can ascertain Plaintiff’s identity from the Complaint, which pleads
13 Plaintiff’s claim number for the purpose of allowing Defendant to identify her. Compl. ¶ 5, Dkt.
14 No. 1. Thus, allowing Plaintiff to proceed under a fictitious name does not appear to affect
15 Defendant’s ability to prepare its defense. Finally, the case is a straightforward application of
16 medical evidence to contract terms, the Defendant’s character and reputation is not at issue, and
17 thus there is no risk that Defendant will be prejudiced by anonymous attacks on its character. *Cf.*
18 *Doe v. Lepley*, 185 F.R.D., 605, 607 (D. Nev. 1999) (finding proposed confidentiality agreement
19 inadequate based on part on fact that “Plaintiffs’ Complaint herein contains direct and harsh
20 allegations against the individuals and the character of those named as Defendants.”). Because
21 Defendant will know Plaintiff’s identity and Plaintiff is not attacking Defendant’s character or
22 reputation, Plaintiff’s legitimate interest in shielding her identity outweighs any potential prejudice
23 to the Defendant.

24 Plaintiff’s request to proceed anonymously is therefore **GRANTED**.

25 **IT IS SO ORDERED.**

26 Dated: May 13, 2016



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28 MARIA-ELENA JAMES
United States Magistrate Judge